

In the Supreme Court of the State of Alaska

Mark N. Wayson,
Petitioner,

v.

William E. Stevenson,
Respondent.

Supreme Court No. **S-17270**

Order

Date of Order: **July 8, 2020**

Trial Court Case No. **3AN-17-05729CI**

Having considered Mark N. Wayson's request for clarification of the court's July 1, 2020 order, the motion is **GRANTED** as follows:

1. In 2018 Wayson filed a petition for review of orders in 3AN-17-05729CI in Supreme Court Case No. S-17270. That petition for review was denied in December 2018 and the case was closed.

2. In June 2020 Wayson filed and then resubmitted a motion in the closed case, seeking an order from this court directing a criminal investigation of his opposing counsel in the underlying superior court case. A review of the superior court case docket revealed that there are on-going proceedings involving attorney's fees and possibly other issues. It was assumed that Wayson's motion related to the on-going proceedings. For that reason, and because the motion was filed in a closed case in which Wayson could not obtain newly requested relief, an order was issued denying the motion without prejudice to filing a new and separate appeal after the superior court proceedings were completed.

3. In his clarification request, Wayson asserts that his motion was a form of petition or original application for relief without regard to the currently on-going superior court proceedings. Original applications for relief may be filed as set forth in

Appellate Rule 404, a copy of which is attached to this order. An original application for relief may be filed when relief is not available from any other court and cannot be obtained through the process of appeal, petition for review, or petition for hearing. This court grants original applications for relief only in its discretion.

4. Wayson may not file a motion in a closed petition for review case as a form of an original application for relief. An original application for relief must be filed as a new case, as set forth in Appellate Rule 404(b), and with a new filing fee to open the new case. The opposing party then may oppose the application for relief, under Appellate Rule 404(c). Then the court will consider whether to grant discretionary consideration of the application for relief, under Appellate Rule 404(e).

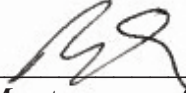
5. In light of the foregoing, the July 1 denial of Wayson's motion was correct, although for a different reason than noted in the order. If Wayson wishes to file an original application for relief, he may put an appropriate cover on his current materials and file it with the necessary docketing paperwork and filing fee for a new case under Appellate Rule 404.

6. Except for a possible motion for full-court reconsideration of this order, no further filings will be accepted under this case number; this case is **CLOSED**.

Entered at the direction of an individual justice.

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Clerk of the Appellate Courts



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cc: Judge Matthews

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